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Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
Hearing on “The Role of the States in Protecting the Environment Under Current Law”
Subcommittee on Environment and the Economy
February 15, 2013

I thank the Chairman for calling this hearing so that we can examine the way federal and state regulators work together to protect public health and the environment. Over the years, the federal Environmental Protection Agency (EPA) and the states have developed a proven model that has successfully reduced air pollution and ensured the public’s access to safe drinking water.

Under this model, EPA sets minimum standard that states can exceed if they so choose. Implementation can be delegated to states on a showing that they have requirements in place that are at least as stringent as the federal floor. Even then, EPA retains backstop enforcement authority to ensure that every citizen in the United States is receiving a minimum level of protection from environmental risks. EPA also plays an essential role in supporting state implementation through technical assistance, grants, and often loan funds as well.

As we will hear from the panel, this model has worked. States have received delegation for over 96% of the environmental programs that can be delegated. This is an impressive track record, and even more so when you consider the fact that this approach has offered protection to American families from pollution that causes respiratory diseases, from contaminants in their drinking water, and from toxic environmental exposures that can cause cancers and other diseases.

Despite these successes, there have been recent proposals to abandon the proven models and abdicate responsibilities to the states. One of the most immediate examples is the coal ash legislation from last Congress.

As we hear from state regulators about the good work they are doing, we should be mindful of the serious threat the sequester and the Republican budget pose to this proven model of environmental protection. Without federal technical assistance and funding, states may be unable to maintain their delegated programs. If the programs are handed back to EPA, EPA may not have the resources to take on this added implementation. The transition between state and federal programs may create costs for regulated entities and uncertainty for industry. And worst of all, bad actors may see opportunities to shirk environmental regulations, because of the lack of enforcement resources.

According to EPA, if sequestration goes into effect, there will be nearly 300 fewer cleanups under the leaking underground storage tank program. There could be a 1,000 fewer inspections to protect communities from toxic air pollution and other pollution that can cause illnesses and death. And essential services to industry like EPA's certification of auto engines for emissions standards could be curtailed.

Budget cuts that undermine implementation of our environmental statutes are penny wise and pound foolish. I hope my colleagues will listen closely to the testimony we hear today and bear it in mind as we consider sequestration and EPA's budget in the coming weeks.